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WILLIAM POPE DuVAL
PIONEER AND STATE BUILDER

The life of William Pope DuVal,¹ the first civil governor of the territory of Florida, should be an attractive study for anyone who is interested in the colorful characters of our frontier history. He belongs to the same class of pioneers as Sam Houston of Texas. Frontiersmen of this type not only were among the vanguard as settlers but also remained long in the new settlements as leaders in their development. Hence, a study of DuVal's life, while interesting for many reasons, is particularly important because it enables us to see a cross section of the history of Florida between 1822 and 1849.

He came from a line of prominent ancestors. The DuVals were of French Huguenot extraction who were forced to leave their mother country at the time of the revocation of the Edict of Nantes in 1685. Daniel, the first of the family to appear in the records of Virginia, is found in a list of settlers in Manakin Town in February 1701.² His son Samuel, the grandfather of the subject of this article, was a member of

¹ The name is usually spelled Duval, but a great grandson of the governor, DuVal West of San Antonio, Texas, Judge of the United States District Court, Western District of Texas, asserts that his great grandfather always spelled it DuVal. This spelling appears at times in Florida records, for instance in the pen sketch of DuVal found in *The Florida Journal of Apalachicola* on March 17, 1841. There is hardly any doubt that this was the original French form. It may be added that another variant, Duvall, appears at times.

Judge West has given me much other information regarding his ancestor and has obtained a copy of the portrait of Gov. DuVal which is reproduced here from the owner, Mrs. John W. Maddox, of Austin, Texas, a grand-daughter of the governor.

² This information was given by Judge West as obtained from *Huguenot Emigration to Virginia*, Virginia Historical Collection, V., p. 31.

the House of Burgesses at the outbreak of the Revolution and of the Committee of Correspondence.³ Samuel's son William served in the War for Independence and rose to the rank of captain. These DuVals were united by marriage with some of the first families of Virginia. Samuel's wife was a Claiborne and William was married to Ann, daughter of John Pope. To this last couple was born, in 1784 William Pope DuVal.⁴ As will become quite apparent in this article he was always proud of his Virginian ancestry and some of his characteristics may well have developed from this background.

The little that is known of DuVal's life prior to 1800 is practically all obtained from the writings of Washington Irving. According to him the family was residing in Richmond during the closing years of the century. Here the lad participated in all of the boyish pranks and escapades, so that his relatives considered him "an unlucky boy prone to all kinds of mischief." The crisis came when the young fellow one evening shut a jackass in the smoke house so that he would not have the trouble to catch him on the commons the following morning; Unfortunately for William the colored housekeeper Barbara, unaware of the presence of the animal, opened the door of the smoke house next morning. The jackass ran over her, scaring her into hysterics. The boy's uncle immediately went to his bedroom and awakened him with a thrashing. The flogging was repeated whenever Barbara seemed to be worse during the next few days. Because his father apparently supported his uncle the lad became

³ From the *Virginia Gazette*, according to Judge West.

⁴ The date of his birth is not known. The exact place of his birth is not positively known. *The Biographical Directory of the American Congress*, 1774-1927 (Washington, 1928), gives his birthplace as Mt. Comfort, Henrico Co. Since Mt. Comfort was his grandfather's plantation, this statement is probably true.

rebellious and determined to go to Kentucky, the land of which all Virginians had been talking for several decades. Finding it impossible to dissuade him his father gave him "a long green silk purse, well filled". After telling his sister that he would not come back before he returned as a member of Congress from Kentucky the lad set forth on his adventures.⁵

When DuVal arrived in Kentucky he showed his youthful independence by avoiding the settlements in which friends and relatives lived because he feared that they might offer him assistance. He became a frontiersman and learned not only the art of hunting but also the ability to handle pioneers. He in addition became filled with the spirit of the robust individualism of the West, the spirit which nurtured Andrew Jackson and so many others. This training gained in the period when he was a hunter was excellent preparation for the performance of the duties later devolving upon him as governor of Florida. He liked the life as a hunter so well that it seemed quite probable he would become a permanent pioneer of the type so well depicted later by James Fenimore Cooper in the character Natty Bumppo, the Leatherstocking. However, fortunately for Florida, the choice between being a

⁵ This account and most of DuVal's experiences in Kentucky are taken from Washington Irving's *The Early Experiences of Ralph Ringwood*, as found in his *Wolfert's Roost and Other Stories*. This may not seem to be a reliable source, although Irving in a foot-note declares that the anecdotes are related as nearly as possible in DuVal's own words. Since DuVal told the story to Irving in 1834 (see Pierre M. Irving, *Life and Letters of Washington Irving*, II, p. 265) the danger to historical accuracy due to the lapse of time of more than thirty years is quite apparent. However, even if minor details are wrong, it is incredible that the major facts and the spirit that animated DuVal in his earlier days should be inaccurately portrayed. To the writer of this article, the sketch by Irving seems to show the development of the personality which was so marked in later years. Caroline Brevard in her *History of Florida*, (DeLand, 1924), I, p. 72, gives a different version of DuVal's leaving home, without however giving her source.

frontier hunter and a leader in the development of recent settlements was forced upon him before the attractive life in the wilds had quite completely enthralled him. His closest friends invited him to go along with them to Missouri in search of better hunting grounds, since those in Kentucky were getting too poor due to the dense population-the nearest neighbors being only twelve miles away. This brought him face to face with the questions: "Am I to be a hunter all my life? Have not I something more in me than to be carrying a rifle on my shoulder, day after day, and dodging about after bears, and deer, and other brute beasts?" He decided to turn his back to the allurements of a hunter's life, and this decision was the second great turning point in his career.

Leaving his hunter friends he went to Bardstown to study law. Woefully deficient in his preliminary education he doggedly set to work to remove this handicap, reading often sixteen hours a day. After more than a year of this struggle he entered the law office of one of his father's friends, who thereafter directed his legal studies. This friend also brought him into contact with other young men who had similar aspirations with the result that they formed a debating society. It would be interesting to determine how many of our American leaders from the days of Benjamin Franklin to the middle of the nineteenth century were stimulated and helped in their development by the debating societies which flourished in frontier towns as well as in the older communities.⁶ To DuVal the society gave the opportunity to develop fluency in public speaking and that quick repartee for which he was noted in later days and also to ac-

⁶ For instance, one of DuVal's early associates, A. B. Woodward, Federal judge of the Middle District of Florida, 1824-1826, was one of the leaders of the debating society in Detroit, Michigan, where he resided for almost twenty years before he came to Florida.

quire a much wider range of interests, for members of those early clubs debated on almost all conceivable subjects. Moreover, this club was indirectly DuVal's stepping stone into society. Some of the ladies who had heard him speak decided to lionize him and invited him to some of their parties, thus giving the young man a chance to develop a side of his character which must have lain dormant while he was associated with the rough frontiersmen. Before he was twenty he was almost ready to be admitted to the bar. Then his father urged upon him the desirability of obtaining a college education as a foundation for his legal studies and offered to defray his expenses. Just after the youth had decided to accept the offer an event occurred which made him finally give up all thoughts of going to college. The widowed mother of Nancy Hynes, ⁷ his fiancée, died. Since the young people were very deeply attached to one another, and since she had no near relatives with whom she could reside, they determined to get married just as soon as he would have completed his legal studies. He was licensed to practice law in the autumn of 1804 and within a month thereafter they were married.

Then began the struggle for existence and ultimately for relative prosperity and fame. DuVal's ready wit made him almost immediately successful in the legal profession and for eight years he presumably devoted most of his time to it. When the War of 1812 broke out he was made captain of the Mounted Rangers and helped to protect the frontier settlements in the valley of the Wabash from the Indians. ⁸ In the fall of 1812 the voters of his district chose him as their representative in the thirteenth Congress. While not

⁷ The name of the fiancée and the year of the wedding were furnished by Judge DuVal West.

⁸ ***The Florida Republican*** of Jacksonville, June 15, 1854, quoting ***the National Intelligencer***. Practically the same information was also given by Judge DuVal West.

an outstanding member in the three sessions of this Congress, he was apparently at least as prominent as most representatives are who are serving their first term. By reading his speeches and noticing how he voted on various questions we can readily see that he favored a vigorous prosecution of the war with Great Britain and desired a stronger national government. For instance he spoke in favor of a militia draft in December 1814.⁹ At least twice he made speeches in favor of chartering a United States Bank,¹⁰ an institution similar to the one incorporated in 1791 which DuVal's party had refused to recharter in 1811. The first of his addresses on the bank elicited approval from the editors of the *Annals of the Congress of the United States* in these words: he "resumed his argument on the constitutional question which he examined with no little ability and ingenuity". In all this the Kentuckian showed himself a member of the younger Republican (Democratic) group of the South and West whom John Randolph of Roanoke dubbed as "War Hawks" and whose leaders were such men as John C. Calhoun, Henry Clay, and Richard M. Johnson.

After having served one term in Congress DuVal retired to private life and resumed his legal practice. Six years later on May 18, 1821, President Monroe appointed him United States judge for East Florida.¹¹ Thus began his association with the destinies of Florida, which was to last almost uninterruptedly for more than a quarter of a century. The following year, on the seventeenth of April, he was appointed by the President as the first civil governor of Florida. He arrived in Pensacola in the middle of June 1822 in

⁹ *Annals of the Congress of the United States, 13th Congress Third Session*, III., 800 ff.

¹⁰ *Annals of the Congress of the United States, 13th Congress Third Session*, *ibid.* p. 497, pp. 1028-1029.

¹¹ *Biographical Directory of the American Congress, 1774-1927* (Washington, 1928).

order to be present at the deliberations of the first territorial legislative council.¹²

What kind of a man did the inhabitants of the little Spanish town of Pensacola see and meet? He was about five feet seven inches tall, and had light brown hair. His face was round and smooth. One of his acquaintances wrote : "His appearance whether sitting, standing or walking- whether waking or sleeping, eating or drinking, indicates the cheerful, contented, happy man."¹³ This cheerful temperament is mentioned time and time again by the newspapers of Florida as one of his chief characteristics. Closely allied with it were his humor and his ability as a story teller and as a singer of popular songs. All these are clearly brought out by several writers. A quotation from one of whom will have to suffice.

"He has an inexhaustible fund of anecdote full of pith and humor, gathered during the early part of his life. Added to his many other fine qualities he sings an admirable song, and especially when he strikes upon the productions of Bobby Burns. Who has spent an evening in his life inspiring company, and has not heard him sing, "My Boy Tommy" or recite "Tam O'Shanter!" It is then that his kind of countenance wears all its sunny hues. His mouth, indicative of comic humor and ready wit, speaks from the very heart, the echoing notes of the music of old Scotia; and his eyes swim in the liquid light, that gushes and sparkles up from a generous soul. As a man in whom dwells a superabundance of the "milk of human kindness"-as a social companion, ever mirthful and enlivening, I know not his equal."¹⁴

¹² *The Floridian* of Pensacola in its issue of June 22, 1822, announced the arrival of the governor.

¹³ The description of DuVal up to this point, including the quotation is from *The Florida Journal*, of Apalachicola, of March 17, 1841. The sketch was in the paper written by Horatio Waldo, the pen name of Joseph B. Webb, the editor of the paper.

¹⁴ *The Florida Journal*, loc. cit. These same qualities are favorably mentioned in the Pensacola Gazette of June 28, 1834; again in the same paper unfavorably on May 13, 1848; and very beautifully in the memorial resolutions of the bar of Middle Florida, dated March 25, 1854, as found in the *Floridian and Journal* of Tallahassee of April 1, 1854.

These were the characteristics which even the most superficial observer must have noticed. But he had some qualities and characteristics which by their nature were not so apparent. He was brave and at times probably reckless, he was hot headed, he was individualistic and self-confident. Of course he was honest and sincere. His charity and hospitality were so pronounced that he was never able to accumulate much wealth. He knew how to handle frontiersmen and Indians. He was a good (one account says forcible) speaker, becoming at times very sarcastic. In politics he was naturally a Democrat. All things taken into consideration he was a typical Virginian gentleman changed to a certain extent by long residence in Kentucky.

Let us now give a brief account of Florida in 1822 and the difficulties which DuVal was compelled to face as governor. The territory was a wilderness peopled by a few Indian tribes except in the immediate vicinity of the small Spanish towns of Pensacola and St. Augustine. The few trading stations scattered here and there through the territory do not invalidate this assertion. Florida was, to borrow the expression of a famous statesman concerning another part of the globe, practically nothing more than "a geographical expression". Since the leaders had to build from the very foundations, the problems of DuVal and his colleagues were numerous and important. The first and most fundamental one was the establishment of a government. The federal government had indeed outlined its chief features by statute but most of the details had to be filled in by the territorial officials. A second problem, almost if not completely as fundamental as the first one, was the removal of the Indians. A third one was the selection of the permanent site of the seat of government. A fourth was the attraction of settlers in all legitimate

ways. While Floridians who were interested in the development of their country used their abilities and opportunities to arrive at a solution of these problems, DuVal's official participation in this work of settling and civilizing was complicated by two other difficulties. Since he was the representative of the national government he had to be extremely careful not to offend the officials in Washington by word or deed. On the other hand, the very fact that he was responsible to a power outside of the territory made the residents highly critical of everything that he did. The result was that he, like other territorial governors, was compelled to serve practically two masters. This required a high degree of political acumen if not of statesmanship. How successful he was is emphatically proved by the fact that he remained governor for twelve years, being reappointed by such incompatible characters as John Quincy Adams and Andrew Jackson.

We are now ready to follow DuVal's career as chief executive of Florida. Although the first session of the territorial council was to convene at Pensacola on the second Monday of June 1822 ¹⁵ the delegates from St. Augustine did not arrive until the latter part of July, so the council did not meet before the twenty-second of that month. ¹⁶ On the following day DuVal sent his first message to the council ¹⁷. The document does not possess much originality, nor does it show that the governor had a knowledge of territorial problems. At least two-thirds of the message is devoted to a discussion of the territorial legal machinery and the necessity of developing it. This was undoubtedly essential and DuVal as a lawyer knew its importance, but he leaves the impression that he did not appreciate sufficiently the

¹⁵ 3 *United States Statutes at Large*, pp. 654-659.

¹⁶ *Niles' Register*, Sept. 14, 1822, XXIII, pp. 23-25.

¹⁷ Found in *Niles' Register*, loc. cit.

gravity of many other problems confronting the council, if indeed he recognized them. Besides his recommendation that the council provide means of raising revenue nothing is said about other subjects for legislative deliberation except the general statement : "The subjects on which you will necessarily be compelled to legislate, are so various that, to call your attention specially to each of them, would be as tedious as it is unnecessary."

Many laws were passed by this first council. One of them contained a gracious gesture toward the governor : a new county in East Florida was named DuVal in his honor. However, the results of some of the legislative enactments of this council turned out to be not so agreeable to him as this one. The law creating the machinery to elect a territorial delegate to Congress happened to provide the cause or perhaps the excuse for the beginning of the attacks on the governor. The Federal statute providing for the establishment of civil government in Florida gave the executive and the council full power to draw up all necessary rules and regulations for the election. Accordingly the council passed a law¹⁸ granting the suffrage to all free white male inhabitants of the territory over twenty-one years of age, thus making soldiers eligible. The act also gave authority to the governor to designate the polling places and to choose the election officials. The voting was to be viva voce. These features of Florida's first election law aroused much opposition. It was insinuated that the governor had used his influence to have these incorporated into the statutes so that he would be able to secure the election of his favorite, Dr. James C. Bronaugh, the president of the council. The case in favor of this interpretation was very plausible. The enfranchisement of the

¹⁸ *1822 Acts of the Legislative Council*, p. 9, ff.

soldiers would greatly aid Dr. Bronaugh's candidacy, since as a former member of General Jackson's staff he was very popular with the army. Oral voting would deter all soldiers and many civilians from voting against the avowed favorite of the military and civil authorities. Again, it was asserted that the governor virtually disfranchised many of the residents of East Florida by designating only three polling places in this district, where there was opposition to Bronaugh.¹⁹ It was also claimed that DuVal appointed active supporters of Bronaugh to the important positions of election judges. Finally he was blamed for not urging upon the council the need of haste in passing the election law with the result that the legislative body passed it three weeks after the opening of the session. Thus the opposition to Bronaugh had little opportunity to organize, since the time before the election was very brief.²⁰ These criticisms were published in the *East Florida Herald* of St. Augustine over the superscription, "Florida". So determined were the opponents that a clipping of the article was sent to the Secretary of State, John Quincy Adams.²¹

How far these attacks on Governor DuVal were justified it is difficult to determine after a lapse of more than a century. However, attention should be called to a few facts which clearly indicate that a part of the criticized law can be explained without imputing base motives to the governor. The necessity for an immediate election was great since the delegate chosen was expected to be in Washington for the opening of Congress on the first Monday in Decem-

¹⁹ This seems to be the first appearance of the sectionalism between East and West Florida which was so apparent in the later history of the territory.

²⁰ Bronaugh died before the election took place.

²¹ Found in the Bureau of Indexes and Archives, Department of State, Washington. This was discovered and the transcription made by Mrs. Emma Rochelle Porter.

ber. The transportation facilities between St. Augustine and Pensacola were so poor that almost a month was usually required to send communications from one town to the other. Consequently the results of the election could not be known under the most favorable conditions until the election bill had been a law for much more than two months. It was therefore necessary to set up election machinery which would function with the least possible delay. This need for haste gives a perfectly valid reason for the provisions in the law relating to the method of voting and to the manner of choosing election officials. If voting by ballot had been substituted for viva voce voting the printing of the ballots would have consumed some time, although written ones could have been used in that case. The choosing of election judges by local officials might have caused delay. However, the other criticisms, - the enfranchisement of the soldiers, the delay in enacting the bill, the designation of few polling places in East Florida-these cannot be answered by the same plea. Probably there was some truth in the assertions made by the critics, and yet since the governor's answer to them, if ever made, cannot be found it is wise not to be too severe and positive in our judgment.

The whole affair was brought to a close the next year, in 1823. The national government amended the election law so as to specifically exclude the soldiers from voting.²² The legislative council abrogated the other offending provisions and decreed that the county judges should designate the polling places and choose the election officials. It was further ordained that voting should be by ballot and that voters should have resided in the territory for at least three months.²³

²² *United States Statutes at Large*, pp. 754 ff.
²³ 1823, *Acts of the Legislative Council*, p. 91.

While the causes of criticism on these grounds were thus removed, we may be assured that other reasons for opposition were continually being discovered. That DuVal himself did everything he could to combat his detractors is proved by a letter which he wrote to his friend James Barbour,²⁴ on August 12, 1823. In it he says: "I have had as might have been expected some trouble and much abuse in this territory. . . . I keep my course without seeming to know what they say of me. I go much among the Body of the People, and my acquaintance in East and West. Florida is now general. I have made it my business to pass through the whole Territory and I intend to repeat this visit during the fall."²⁵ In this letter he also accused the "yankees" as his chief critics, New York having sent her "most villanous spawn" to Florida.²⁶ He clearly showed the antagonism between the northerners and the Virginians, many of whom through the governor's influence held offices in the territory. Thus early appears the note of sectionalism and intense pride in Virginia of which we shall hear again before DuVal's life closes.

The first session of the legislative council succeeded in establishing the foundations of territorial government, passing laws regarding the militia, the raising of revenue, and judicial procedure. The work as a whole was well done and is a lasting credit to the

²⁴ Later secretary of war under Adams.

²⁵ *Gulf States Historical Magazine*, I, No. 5, pp. 366-367, reprinted from the Barbour papers in the New York Public Library.

²⁶ One is tempted to wonder whether this does not refer to Elias B. Gould, the editor of the *East Florida Herald*. The attack by "Florida" appeared in the paper; and the territorial laws of 1823, which were enacted in St. Augustine, were not printed by the Gould establishment. These facts would seem to indicate enmity between the governor and Gould. Further, it is known that Gould had been a publisher in New York between 1810 and 1818. See James O. Knauss, *Territorial Florida Journalism* (Deland, 1926), p. 59.

wisdom of the law-makers. In order to make the new government function better and also to allay partially the animosities between East and West Florida, a central location for the capital was desirable. Hence, the second session of the council, which met at St. Augustine in 1823, ordered the governor to appoint two commissioners to select a permanent site for the seat of government between the Ocklocknee and the Suwanee rivers. He chose Dr. William H. Simmons of St. Augustine and John Lee Williams of Pensacola.²⁷ They explored the country thoroughly in the fall of 1823 and recommended to the governor the present site of Tallahassee as the best location for the capital.²⁸ Accordingly the executive officially declared that this place would hereafter be the capital of the territory and that the council would convene here in November 1824 for its third session.

DuVal himself came to Tallahassee about the middle of July 1824.²⁹ He may have felt that time had turned its clock backward. Again, as twenty-five years before, he was on the outskirts of the frontier where a few early settlers were beginning the fight of civilization against the wilderness. The illusion would have been perfect if the vegetation and animal life had not been sub-tropical and if the Indians had not been so much in evidence. In fact the most pressing problem that faced the young territory was the peaceable removal of these red men to the peninsula. As it turned out, DuVal may have done his greatest service to Florida in the solution of this problem, even though it was a temporary solution.

²⁷ Brevard, op. cit., I, pp. 77 ff.

²⁸ Simmons's and Williams's journals are reprinted in the *Quarterly of the Florida Historical Society*, I, Nos. 1 and 2, (April and July 1908).

²⁹ In *American State Papers, Indian Affairs*, II, pp. 618-619, there is a letter from DuVal to Calhoun dated St. Marks, July 12, 1824, and another one at Tallahassee on July 22.

The Indian question was not a new one. It was mentioned by the anonymous writer who corresponded with John Quincy Adams in October 1822 regarding the delinquencies of the governor.³⁰ In 1823 the government of the United States recognized the necessity of removing the Seminoles by appointing in April James Gadsden and Bernardo Segui as commissioners to negotiate a treaty with them.³¹ These two came to St. Augustine where they had a meeting with a few Indians in the governor's office on June 5. The natives promised that all the tribes of North and South Florida would be represented at a conference on September 5 at Moultrie Creek, three or four miles from St. Augustine.³² While Gadsden and Segui were making preparations for this conference, Gadsden received a communication from the secretary of war stating that Governor DuVal had been made a member of, the commission. His belated appointment was due to the fact that he had been absent from the territory at the time when the other commissioners were chosen.³³ Accordingly on July 15 he took his seat as presiding officer of the commission. From that date until 1834 DuVal was one of the outstanding figures of the long struggle between the whites and the Seminoles in Florida. This was probably largely due to the experience which he had gained in his early Kentucky days. He himself in December 1825 described his attitude toward the natives in these words: "My feelings towards the Indians are kind and liberal, and my conduct towards them has always procured me their confidence and respect. I would not withhold from them that justice and humanity which their un-

³⁰ See above.

³¹ *American State Papers, Indian Affairs*, II, pp. 429-430, in letters by John C. Calhoun, Secretary of War, dated April 7.

³² *ibid.*, II, p. 432.

³³ *ibid.*, II, p. 435 in a letter from Calhoun to Gadsden, dated June 30, 1823.

fortunate situation demands Energy, promptly called into action, tempered by prudence, and a knowledge of Indian character will almost invariably prevent bloodshed, and produce order and obedience."³⁴ It is not surprising that such an attitude secured satisfactory results.

In the first important contact which DuVal had with the red men in Florida, the conference on Moultrie Creek, it is impossible to single out with certainty any one of the three commissioners as having been chiefly instrumental in bringing it to a successful and, on the whole, honorable conclusion. However, we know from his subsequent actions that DuVal agreed with the spirit that pervaded the treaty which was signed at the close of the conference on September 18, 1823³⁵ and it is more than probable that he was the head of the commission in influence as well as in name. The treaty consisted of ten articles with a supplementary one. Naturally the most important feature of the agreement was locating the lands which were to be reserved for the Indians. The original instructions to the commissioners ordered that lands be selected south of Charlotte Harbor but the treaty located them north of this place. The commissioners defended the change by stating that they had no way of determining the quality of the soil in the extreme southern part of the peninsula and that the Indians were averse to going there.³⁶ This change of location seems to be a good illustration of DuVal's method of placating the Indians by basing his actions on the principles of "justice and humanity". This same method was apparent in two other land provisions of the treaty. The Indians were promised more terri-

³⁴ *ibid.*, II, p. 641, in a letter to F. L. McKenney, dated Tallahassee, December 2, 1825.

³⁵ See text of treaty in *ibid.*, II, pp. 429-430.

³⁶ *ibid.*, II, p. 440, in letter to the secretary of war.

tory further north if the reserved part was not sufficient to support them, and certain Indian chiefs, including Neamathla of whom more will be said later, were permitted to retain small reservations in their old homes, where they could live with a few of their followers. Further provisions of the treaty guaranteed to the natives that the national government would feed them, if necessary, during the period of migration to South Florida, and that a teacher and gunsmith would be furnished to them at the expense of the authorities in Washington. All in all the treaty was a credit to the commissioners and to the nation.

The most difficult task still remained to be done, the actual removal of the Seminoles to the place assigned to them. This work, requiring tact and firmness, devolved upon DuVal as noted above. When he arrived at St. Marks in July 1824 on his way to Tallahassee he found it expedient to act promptly and boldly in order to overawe and crush the dissatisfied Indians under the leadership of Neamathla. The governor had already six months previously expressed his fears about this chief in a letter to the secretary of war.³⁷ Wily and rebellious, yet honest, this leader had to be quelled. DuVal lost no time. The details of this historic encounter between the executive and Neamathla, which averted open hostilities between the races, may have been lost. Although two authorities give stirring accounts of what happened the few facts of their respective narratives which can be checked by DuVal's own correspondence are partly distorted and inaccurate. It would therefore seem wise to omit here the interesting stories of Washington Irving and Caroline Brevard,³⁸ although they are quite likely to be true to

³⁷ *ibid.*, II, pp. 615-616.

³⁸ Irving's account is found in *The Conspiracy of Neamathla in Wolfert's Roost*. Miss Brevard narrates the encounter in *A History of Florida* (Deland, 1924), I., pp. 87-90.

a large extent, and give the governor's own modest version of the event. In a letter³⁹ to the secretary of war, John C. Calhoun, on July 29, 1824, he said that when he heard that the Indians were disaffected he with his interpreter went to Neamathla's village. There he found about three hundred warriors assembled, many of them armed. He ordered them to appear at St. Marks on July 26. On their arrival at that place he selected another Indian chief, John Hicks, to be their leader in the migration, apparently ignoring Neamathla. Presumably the meeting between the two men was a stirring one and the details given by Irving and Brevard are so satisfactory to the imagination that they should be true. Anyway, the power of Neamathla was permanently broken⁴⁰ and the Indians, with the exception of those who were permitted to remain on the few small reservations in North Florida, had been peaceably removed to their new homes before the spring of 1825.

DuVal's troubles with the Seminoles continued after their removal. The natives declared that the land in the peninsula assigned to them by the treaty was so poor that they were unable to subsist upon it. The governor was inclined to sympathize with their complaints and he strongly urged the national government to give them more land adjacent to their reservation on the north. This plea was granted in December 1825.⁴¹ However, the Indians were restless and disgruntled and made forays into the white men's territory. In order to examine the Indians' land and to try to placate them DuVal made a two months' trip to South Florida, in February and March

³⁹ *American State Papers, Indian Affairs*, II., pp. 620-621.

⁴⁰ DuVal wrote on March 2, 1826, that in the summer of 1824, "I broke the head chief (Neamathla) and he removed to the creek nation where he belonged." *ibid.*, II., p. 689.

⁴¹ *ibid.*, II., pp. 642-643.

1826. During this time, he took a journey of thirteen days through the reservation. Then he sent a report to the authorities in Washington which contains a vivid but depressing description of the part of the peninsula inhabited by the Indians.⁴² He uses expressions like "exhausted by cultivation," "wholly unfit for cultivation," "wretched tract of country," "no settlement can ever be made in this region." His conclusion he summed up in one sentence: "The best of the Indian lands are worth but little; nineteen-twentieths of their whole country within the present boundary, is by far the poorest and most miserable region I ever beheld." Although later events proved that DuVal was unduly pessimistic about this region there is no doubt that he was sincere in his appraisal. Furthermore, his sympathies for the law abiding Seminoles who were compelled to endure privations in their new homes were heightened. He demanded and obtained still more land for them. His reports show him almost in the role of a father trying to protect his unfortunate children from the wrath of their neighbors although he talked with severity whenever he found his proteges intractable.

His defense of his wards may be illustrated by extracts from two letters to the authorities in Washington. In one to the secretary of war, James Barbour,⁴³ he says, "Many whitemen will crowd near the Indian boundary, who are worse than the Indians, and do constantly steal their horses and cattle." In the other, addressed to the general superintendent of Indian affairs, he discusses his attempts to persuade the Indians to restore runaway negro slaves to their masters.⁴⁴ Then he adds: "The justice which the In-

⁴² *ibid.*, II, pp. 663-664.

⁴³ *House Documents*, No. 17, nineteenth Congress, second session, p. 16. The letter is dated March 2, 1826.

⁴⁴ *ibid.*, pp. 26-27, dated March 20, 1826.

dians are entitled to they cannot obtain, while they surrender to our citizens the slaves claimed by them, their own negroes, that have been taken from them, are held by white people who refuse to deliver them up. I have felt ashamed, while urging the Indians to surrender the property they hold, that I had not power to obtain for them their own rights, and property held by our citizens. To tell one of these people that he must go to law for his property, in our courts, with a white man is only adding insult to injury."

DuVal's humanity and common sense led him early to see that the struggle for subsistence among the Indians would not be so severe and the bitterness between the races would be alleviated if the Seminoles migrated to the regions west of the Mississippi. However, he also saw how extremely difficult it would be to persuade them to leave the east. He consequently urged this project upon them with great caution.⁴⁵ Despite the misery of the red men and the continually recurring friction between the races which only DuVal by his tact and sympathy kept from flaming into open war, no positive steps for the removal of the Indians were taken until 1832.⁴⁶ Then after two more years had passed in negotiations, DuVal, the one man who might possibly have effected the removal without war, was succeeded as governor by John Eaton. It is hardly within the historian's province to discuss what might have happened if something else had not happened, but we wonder whether the terrible Seminole War would have occurred if DuVal had still been the chief executive of Florida at the time of the deportation of the Indians.

Before leaving the subject it might be well to dis-

⁴⁵ See, among others House Documents, No. 17, nineteenth Congress, second session, p. 35.

⁴⁶ Brevard, *op. cit.*, I., pp. 116-117.

cuss briefly one further phase of the Indian problem, for it enables us to gain some insight into the red man's psychology as well as to see once again DuVal's sympathetic understanding of his wards. In addition, the governor's love of a good story, mentioned above, is illustrated. It will be remembered that the treaty of Moultrie Creek promised to the Seminoles a school teacher at the expense of the national government. No schools were established for some time, if at all, due to the unsettled condition of affairs and to the aversion of the Indians to education. In a letter to DuVal, dated May 8, 1826, from McKenney, the general superintendent of Indian affairs,⁴⁷ we learn that the governor desired to divert part of the school funds, none of which had been used, to other purposes. This was refused in these words: "Nor can any diversion be made of the money appropriated for schools; and as no school has gone into operation, and none in prospect, you will refund what has been remitted on that account. Whatever the feelings of the Indians may be, in regard to the schools for the present, these will change with time and proper instruction, and explanation, and the fund will be meanwhile accumulating." The reasons why the natives opposed schools were explained by them in a legend, which was apparently one of DuVal's favorite stories. It has come down to us in two forms, both of course emanating indirectly from the governor. Since Irving's version is accessible to most readers⁴⁸ we shall quote an earlier one by Reverend Horatio N. Gray, a Protestant Episcopal minister, who heard the story from DuVal in 1829.⁴⁹

⁴⁷ *House Documents, No. 17*, nineteenth Congress, second session, pp. 35-37.

⁴⁸ In *Wolfert's Roost* under the title, *Origin of the White, the Red, and the Black Men*.

⁴⁹ J. J. Daniel, *Historical Sketch of the Church*. (Jacksonville, 1889) p. 21. The account is found in a letter dated April 21, 1829.

I have lately had a conversation with Governor Duval upon the subject [of sending a teacher among the Indians] who informed me that, in a council which they had called for the purpose of debating upon the subject, they declined receiving one, giving as one, among several reasons, that learning had, as far as their observations extended, made those Indians who received it 'greater rascals', having enabled them to sign away the lands of the rest without their consent or knowledge. They have also religious scruples about it. They say the Great Spirit intended them for warriors and hunters, and give as a proof of that fact a tradition which is current among them.

"The Great Spirit", they say, "first made the black man, but did not like him; He then made the red man, but was not entirely satisfied; He then made the white man and was well pleased with him. He then summoned all three in His presence. Near him were three great boxes one containing hoes, axes and other agricultural implements. In another were spears, arrows, tomahawks, etc.; and in the third, books, maps, charts, etc. He called the white man first and bade him choose. He advanced, attentively surveyed each of the boxes, passed by that filled with working implements and drew near that in which were tomahawks, spears, etc.; then the Indian's heart sunk within him. The white man, however, passed it by and chose that in which were the books, maps, etc. Then they say the Indian's heart leaped for joy. The red man was next summoned to make his choice. He advanced and without any hesitation, chose the box containing the war and hunting implements. The other box was therefore left for the black man. The destinies of each were thus fixed and it was impossible to change them. They inferred, therefore, that learning was for the white man, war and hunting for the Indian, and labor for the poor negro."

Although DuVal's most notable work while governor was undoubtedly his successful handling of Indian affairs, his activities in other directions were varied. As his term of service as chief executive lengthened he quite visibly secured a better grasp on the problems confronting the territory. A very tangible evidence of this is the growing maturity of thought displayed in the successive annual messages to the council. While the first one in 1822 was, as

noted above, disappointing in its omissions, this cannot truthfully be said of the later ones, especially those of the last years of his administration. In these he shows himself not only a politician but also a real statesman who appreciates the needs of the country which he serves. If it is necessary to sum up the idea of all of his activities it may well be done in the phrase "the encouragement of immigration". To further this idea he did everything he could to advertise Florida directly, as well as urging the development of good roads and of educational facilities, increased participation in the government by the citizens, better systematized laws, and aids and inducements to planters—the class on whom he rightly believed depended the advancement of the territory.

Whenever he had the chance DuVal would discuss the opportunities that Florida offered to settlers. His messages to the council, which he knew would be widely quoted in the newspapers of other parts of country, usually contained words of confidence about the future prosperity of the territory.⁵⁰ Sometimes he gave reasons why this development was inevitable. As examples of this desire to advertise Florida we may take the statements in his first and third messages. In the former⁵¹ he says: "That Florida will, in a few years, assume a rank among the states of our great and happy union, if her citizens are united and her government is just and wise, cannot be doubted." In the latter⁵² about one fourth of the message is devoted to a discussion of the territory's value to the nation, concluding with the declaration "A few years will

⁵⁰ Of course, the hope of wide-spread publicity was not the only reason why DuVal stressed the advantages of Florida in his messages.

⁵¹ *Niles Register*, September 14, 1822.

⁵² Reprinted in the *QUARTERLY* of the Florida Historical Society, July 1908. This third message was addressed to the first council assembled in Tallahassee. It is dated November 10, 1824.

demonstrate the value of Florida to the United States, and thousands of Southern planters will realize in this country that wealth for which hitherto they have toiled without success." A further illustration of the governor's proclivity to show Florida to others in the most glowing terms is found in his letter to Lafayette on January 10, 1826, when he forwarded to the Frenchman the resolution of the council inviting him to visit the territory and make his permanent home there.⁵³ He writes: "As the Chief Executive of a new and rapidly growing community, whose fruitful soil, and delightful climate and whose picturesque beauty may bear a comparison with Italy or Greece, an additional gratification arises to me, from the identification of its history and its fortune, with those of La Fayette and his amiable family." Surely the author of these words hoped by such an alluring description to attract not only the famous Revolutionary leader but also many of his friends.

Many of the other developments encouraged by the governor may be dismissed in a few words, not because they were unimportant but rather because details would expand this article beyond reasonable limits. Every thoughtful Floridian knew the vital necessity of better transportation facilities. The first council passed a resolution memorializing the president of the United States to take steps to construct a road between Pensacola and St. Augustine.⁵⁴ When Congress appropriated money for the construction of this and other roads in Florida⁵⁵ DuVal promptly men-

⁵³ The letter is found in the *Gulf States Historical Magazine*, I, p. 200. It must be remembered that Congress had granted to Lafayette a township of land on the occasion of his visit to the United States in 1824. The fact that the land selected by the government was located near Tallahassee was in itself a great advertisement for Florida.

⁵⁴ *Niles Register*, September 14, 1822.

⁵⁵ *Annals of the Congress of the United States, 18th Congress, first session*, II, pp. 3199-3200.

tioned the fact in his message to the third council, declaring that no act of Congress would prove more advantageous to the territory. Doubtless remembering his own youthful struggles to obtain an education, he was deeply interested in attempts to start public schools, although success in this direction was slight. In several of his messages he urged the establishment of schools as soon as possible. A fine expression of the necessity of more widespread educational facilities is found in the message of 1831.⁵⁶

Unless knowledge is diffused, unless it pervades and circulates through every class of society, its effects however salutary, are but partial and inadequate. It is the people, emphatically the people, that must be informed; and it is their knowledge, their character, their patriotism, their moral and intellectual strength alone, that must at last save a nation. If they be ignorant, if they be alike unacquainted with, and regardless of their duties as freemen, of what avail is it that legislators plan and statesmen toil? It is true that the inquiring spirit of the age is far from being dead among ourselves. There are but few of our citizens who do not laudably endeavor to give to their children the best instruction that their respective means will permit. Parental affection dictates this, but it is not sufficient. This should be a matter of engrossing public as well as private concern.

DuVal's attitude toward the agitation to give Floridians increasing control of their government by the popular election of their officers was sympathetic although at least once he tried to check the development when he considered the action too rapid or probably inappropriate. There is no reason to doubt that he favored popular election of members of the council, a right obtained in 1826.⁵⁷ When the council passed a law in January 1828 to provide for the election of all county officials and officers of the militia he re-

⁵⁶ Brevard, op. cit., I, pp. 181-182. The message in manuscript was in the possession of Miss Brevard.

⁵⁷ 4 U. S. *Statutes at Large*, pp. 164 ff. and 1826-1827 *Acts*, pp. 86 ff.

fused to sign the bill which was promptly passed over his veto.⁵⁸ In the absence of his veto message we are not sure of the reasons for his disapproval. It may have been that he believed that the time was not yet ripe to have all offices elective. Again, his objection may have been based on the constitutional ground that, the Congress of the United States alone had a right to pass such a law. Whatever the reasons for the veto, the national body acquiesced in the desire of the council. It excluded, however, several officials from the elective list.⁵⁹ Within a year after this disagreement between the executive and legislative departments DuVal declared to the council that Florida might be ready for statehood by 1838.⁶⁰ By January 1834 he had reached the conclusion that the population of the territory was large and intelligent enough to elect its own governor although statehood was not yet permissible. He consequently told the council that "any measures they may adopt to obtain this grant of power from Congress will receive my approbation and hearty concurrence."⁶¹

The governor's interest in legal machinery has already been mentioned. Again and again he urged the need of a systematization of the laws. This bore fruit in the codification of 1828 and probably also in the collection of laws of 1839 which was compiled by his brother, John Pope DuVal.

One hundred years ago Florida was economically an extension of Georgia and Alabama. Her prosperity was largely dependent upon the success of the plant-

⁵⁸ *1827-1828 Acts*, pp. 172 f.

⁵⁹ *4 U. S. Statutes at Large*, p. 333.

⁶⁰ In his message of October 14, 1828. See Niles Register, XXXV, p. 218.

⁶¹ 1834 *Journal of the Legislative Council*, p. 37. The question arises whether the governor did not already have pretty definite information that Andrew Jackson had decided not to reappoint him as governor.

ers and small farmers. Because of this fact DuVal was inevitably active in the encouragement of agriculture. It is quite probable that he was interested in *The Agricultural Society of Middle Florida* which was organized at Tallahassee in the early months of 1825⁶² although positive proof is lacking. We do know that he introduced into the territory about 1828 the seed of Cuba tobacco which for a long time was known as "little DuVal",⁶³ and which formed the basis of the highly profitable tobacco industry of Gadsden County. His solicitude about farming, as well as the careful thought which he had bestowed upon the solution of its problems, is clearly shown in one of the finest passages found in his messages to the council. In his last message, dated January 7, 1834, he said:

It may be well worth the time of the statesman to inquire, how it has happened with all our experience and knowledge, that no system of legislation has yet been devised in the United States to promote and improve the farming interest? If the constitutional power to interfere in such matters be denied to Congress, then it is the duty of and should be paramount in every local Legislature, to foster and provide for this important interest call in the genius and science of the day, and create a new era for Agriculture. Agriculture is two hundred years behind commerce and manufactures in Europe, and with us is at least a century behind her advance in the Old World.

Despite the patently sincere attempts made by DuVal to help the planters, some of the strongest opposition to him developed in this group. This was particularly noticeable after 1828. During the last six years of his administration, the whole country was involved in a continually increasing orgy of overdevel-

⁶² *Pensacola Gazette*, March 26, 1825.

⁶³ *The Florida Historical Society Quarterly*, January 1928, p. 149. This is a reprint of an address delivered in January 1875 by Charles H. DuPont, former chief justice of the supreme court of Florida.

opment and speculation—a characteristic symptom immediately preceding a business depression. Since industry was expanding so rapidly there was urgent need for better credit facilities and more money. Consequently insistent demands arose for more banks which would have the power to issue paper money and, of course, extend credit to the developers of industry. These conditions were particularly noticeable in Florida where the development of plantations had barely begun and therefore the need for money and credit was especially great. Hence the planters demanded the incorporation of banks, convinced that these institutions would enable them to carry out their plans. Governor DuVal believed that these banks were unsound in principle. Accordingly, beginning November 1828, he vetoed bill after bill, many of which were passed over his veto.⁶⁴ In his message to the council of 1833 after admitting the great need of a circulating medium he gives⁶⁵ his reason for his antagonistic attitude toward the banks in these words:

The Executive yet entertains the same sentiments that have always influenced him, in withholding his approval to the charters of some of these banks. It is due to himself to state that his repugnance to these charters sprang from a conviction that they were radically defective and that their operation would not benefit the community generally. If an institution could be established on suitable terms and under such ample security as to induce the investment of *foreign capital* in it, this paramount (objection would not exist. But to meet my approval it must be in fact as well as in name, truly the Planters Bank.

One can imagine the fury of the bankers and their allies at the executive who, responsible to the national

⁶⁴ Dr. J. A. Robertson lists at least thirteen banking acts which were passed over the governor's veto between 1828 and 1834 inclusive. See Brevard, *op. cit.*, I, pp. 201-202, n.

⁶⁵ 1833, *Journal of the Legislative Council*, p. 3 f.

government alone, thus attempted to frustrate- their cherished wishes.⁶⁶

Although DuVal's attitude toward the banks was probably the chief reason for opposition to him it must be remembered other causes existed, some presumably personal, others arising from selfish motives on the part of his enemies and still others developing from the difficult position which a territorial governor necessarily occupied as a representative of a power not located within the territory. To appreciate this opposition a few instances may be noted. Elias B. Gould, the publisher of the *East Florida Herald* of St. Augustine, criticised him in 1825 because the contract for printing the Acts of the Council of 1824 was awarded to Gordon, Crane and Company of Tallahassee and not to him.⁶⁷ In 1827 the *Pensacola Gazette* published a letter from Joseph M. White, the territorial delegate to Congress, which declares that he had received complaints against the officers of the territorial government relating to "Indian contracts" and "public surveys".⁶⁸ In October 1827 the same paper accused the governor of favoritism in awarding the printing contract, and of "the corrupt appointment of men totally incompetent, to fill the civil offices of our Territory".⁶⁹ It was rumored at the same time that White would prefer charges against him and urge his dismissal from office.⁷⁰ That the two men were not on cordial terms was again evident in 1831 when

⁶⁶ Although he at last in 1833 signed the bill incorporating the Union Bank, it is almost certain that this belated and hesitating acquiescence to the wishes of the planters did not restore him to the good graces of all of them.

⁶⁷ *Pensacola Gazette*, March 18, 1825. Dr. Venila L. Shores, of Florida State College for Women, has checked and filled out these and other fragmentary notes made years ago from the files of Florida newspapers now in the Florida State Library.

⁶⁸ *ibid.*, March 9, 1827.

⁶⁹ *ibid.*, October 9, 1827.

⁷⁰ *ibid.*, October 9, 1827.

DuVal ordered a second election to choose the territorial delegate since there was some doubt as to the outcome of the first. Although White originally ordered his friends not to vote the second election was almost unanimously in his favor.⁷¹

After a man has held an office for a long time the cumulative results of the antagonisms which inevitably develop are naturally very powerful. DuVal was too much of a fighter despite his reputation as a "good mixer" not to insist on what he thought was right, no matter what bitterness might develop. The struggle for reappointment for his fourth term was long and hard. The council adopted in 1831 a resolution recommending his renomination by the President⁷² but the Senate did not confirm the nomination before 1832. This delay made the session of the council of 1832 the scene of a determined but fruitless effort to pass a resolution memorializing the Senate to reject the nomination.⁷³ In the session of 1833, eighty-two laws were enacted, eleven or twelve of which were passed over his veto. The conclusion is unavoidable: the executive and the legislative departments did not cooperate.⁷⁴ The same thing was clearly apparent in 1834 when the governor severely reprimanded the council for trying to interfere with his power of appointment. He ended the argument with the flat assertion: "The power to nominate is with the Executive, the right to reject is with the council."⁷⁵ The combined opposition of the council and the territorial delegate would have made his reappointment as governor doubtful even if the president had been inclined in his favor. However, as fate would have it, Andrew

⁷¹ *Niles Register*, XL, pp. 396-437; XLI, p. 222.

⁷² 1831 *Acts*, p. 92.

⁷³ 1832 *Acts*, p. 18 ff.

⁷⁴ *Niles Register*, Vol. XLIV, p. 83.

⁷⁵ 1834 *Journal of the Legislative Council*, p. 142.

Jackson was the chief executive. As everybody knows, he thoroughly believed in rotation in office. He would see no reason to reappoint a much criticised man who had held an office for twelve years especially if one of his own close friends was in need of a position. Consequently DuVal was succeeded in 1834 by John H. Eaton, Jackson's friend and former secretary of war. Thus Florida lost an experienced leader whose services were badly needed.

Before we proceed to describe how his removal was received it seems advisable to try to draw a picture of DuVal's private and social life during his years as chief executive. The attempt may not be very successful since our records are so meagre that the details of the picture will be to a large extent missing, unless we use imagination to a greater degree than the historian is supposed to do. His life during the first three years of his incumbency must have been to a large extent lacking in social events. We can imagine society of the little towns of St. Augustine and Pensacola entertaining the governor when he was there, but since apparently his family⁷⁶ was not with him his life was probably a lonely one. It is certain that he lived during the first months of his sojourn in Tallahassee in almost primitive frontier fashion. During the greater part of 1825 he was absent from the territory first in Washington⁷⁷ and then in Kentucky. When he returned to Florida at the end of November or the beginning of December he brought his family with him.⁷⁸ So far as we know this was the first time that they were in Florida.

⁷⁶ According to information from Judge DuVal West, he had eight children, Burr, Thomas H., John Crittenden, Marcia, Elizabeth, Mary, Laura H., and Florida. Most of these were almost certainly born in Kentucky, the last named was a Floridian judging by her name.

⁷⁷ *American State Papers, Indian Affairs*, II, pp. 628-629.

⁷⁸ *ibid.*, II, p. 640.

With the arrival of Mrs. DuVal Tallahassee society may be said to have had its birth. Of course its beginnings were crude and humble enough. A good account of its early growth is given in her obituary.⁷⁹

She was truly the mother of our society at Tallahassee. When the seat of the Territorial Government was located in 1824, this was an unbroken wilderness. Governor DuVal was among the first settlers, and the Indians looked up to him for protection and support. His influence and control over them is a matter of history, but Mrs. DuVal was not less effectual. They were devoted to her service, and to be permitted to furnish her with game and to teach her sons to hunt and practice their wild manner of living was deemed a great privilege.

. When emigration from the States began to assume a more polished and fashionable caste, Governor DuVal's house was in a measure head quarters. His purse and store were ever open to the needy; his hospitalities to all; and thus from the position of Mrs. DuVal a state of society grew up around her, receiving a tone and impulse from her example, which will long characterize it, above all other newly settled countries.

About what time a "more polished and fashionable caste" became apparent it is rather difficult to determine. One indication was evident as early as 1826 when Tallahassee already boasted of a Masonic lodge⁸⁰ of which the governor was presumably a member.⁸¹ That same year a ball was held on Washington's birthday at which Prince Achille Murat, a nephew of Napoleon Bonaparte, was present.⁸² He was destined to marry in Tallahassee before the end of the year Mrs. Catherine Dangerfield Gray, a lady belonging to one of the first families of Virginia.⁸³ They made their

⁷⁹ *Star of Florida*, (Tallahassee), August 18, 1841, reprinted in the *Pensacola Gazette*, August 28, 1841.

⁸⁰ *Florida Intelligencer* (Tallahassee), May 19, 1826.

⁸¹ He was a Mason at the time of his death. See *Floridian and Journal* (Tallahassee), April 1, 1854.

⁸² *Florida Intelligencer*, February 24, 1826.

⁸³ *Pensacola Gazette*, July 29, 1826.

home at Lipona, a plantation in Jefferson County. Although society was developing in 1826 it still appeared very crude to a visitor in the early months of 1827. The youthful Ralph Waldo Emerson who had come to Florida to regain his health confided the following observation to his pocket notebook. "Tallahassee, a grotesque place, selected three years since as a suitable spot for the Capital of the territory, and since that day rapidly settled by public officers, land speculators and desperadoes. Much club law and little other. What are called the ladies of the place are, in number, eight. 'Governor Duval is the button on which all things are hung'. Tallahassee is 200 miles west of St. Augustine, and in the journey thither you sleep three nights under the pine trees."⁸⁴

After 1827 a continual stream of immigrants of the better class came to the Tallahassee country. By 1829 the town with a population of about one thousand contained one hundred and sixty-eight dwelling houses, two churches, an academy, two private schools, three public houses, nine stores, two groceries and one grog shop.⁸⁵ The surrounding country was at the same time being brought under cultivation by eager planters. A year later, on November 9, society had advanced so far that a magnificent ball was given as a farewell to Murat and his wife who were leaving for Europe. The newspaper reporter asserted, "One who four years ago was a resident of this place could hardly believe the reality of what he saw."⁸⁶ We can easily imagine the governor with his large stock of anecdotes and songs as the leader of this new society, even

⁸⁴ *Journals of Ralph Waldo Emerson*, edited by Emerson and Forbes. (Boston and New York 1909). II, p. 161.

⁸⁵ *Floridian and Advocate* (Tallahassee), September 8, 1829, and *Florida Herald* (St. Augustine), September 2, 1829.

⁸⁶ *Floridian*, November 16, 1830. A long description of the ball is given in this number.

though: he was away for a long time at least twice between 1827 and 1834—once during the last months of 1827 and the first three months of 1828,⁸⁷ and again during the early months of 1832.⁸⁸

Mrs. DuVal returned with her children to Kentucky in 1831 or 1832 and did not again reside in Florida during her husband's term of office.⁸⁹ Why she left is not known. Was it due to sickness, or to the desire to give their children a better education than it was possible to obtain in the territory, or to unpleasantness caused by the growing opposition to the governor, or to some cause which cannot be guessed? Whatever the reason was, her departure may well be considered to mark the close of the first phase of Tallahassee society.

After this digression into an account of the private and social life of the DuVals let us again take up the narrative at the time when he was succeeded as governor by John H. Eaton. Before the end of June 1834 he had gone back to Kentucky to resume the practice of law.⁹⁰ His removal from Florida undoubtedly caused joy among his enemies but his friends viewed the event with regret, considering it a loss not only to themselves but also to the territory. This feeling is well expressed in a good article by Benjamin D. Wright,⁹¹ the editor of the *Pensacola Gazette*, who was one of the sanest and best poised men in Florida. The article gives us such a good view of DuVal that it deserves to be quoted at length.

He has left many warm friends in Florida and some bitter enemies. The history of all new countries shows that no

⁸⁷ *Pensacola Gazette*, November 2, 1827, and April 18, 1828.

⁸⁸ 1832 *Journal of the Legislative Council*.

⁸⁹ *Pensacola Gazette*, June 28, 1834.

⁹⁰ *Pensacola Gazette*, August 16, 1834.

⁹¹ *Pensacola Gazette*, June 28, 1834. Although Wright's name is not signed to the article, all indications point to him as the author.

Territorial Governor can be popular with the people. Whether this is owing to the habitual reluctance of the people of this, free country, to submit to the authority of the rulers not of their own choosing, or to some other cause, it is certain that the subject of these remarks shared in Florida the common fortune of all who have been appointed to fill the office of Governor of a Territory. Early in his career his personal enemies succeeded in making against him an unfavorable impression among the people. But the greatest crime charged against him was his want of dignity! For this offense there is no man among us all, who did not feel himself at liberty to throw the first stone at him. No other crime is so easily established against a man, and there is none which is so difficult to disprove. Certain it is, that Governor Duval never walked with a golden, or even an ivory headed cane. If he took snuff at all, (which we do not recollect) it was not done in a manner to give him a place among the distingue of fashionable life. He never affected any horror at people's "coming between the wind and his nobility." In short, though a Governor, he lived and acted like a man and like a gentleman. No man ever indulged less in unworthy conventions.

But he wanted dignity! And who says so? They who, had his conduct been in accordance with their pretended beau ideal, would have denounced him for a solemn fop-a vain and pompous official cox comb.

It is known that Governor Duval devoted his time and his talents to the prosperity of the country, while his salary was consumed in a somewhat profuse hospitality, which his grateful guests oftentimes repaid by detailing new evidences of his *want of dignity*.

May he live long in the enjoyment of that exuberance of social feeling, which while it delighted his friends subjected him to this monstrous imputation. Speaking after the manner of the Vicar of Wakefield, (whose wishes, it will be remembered, were always looked back upon as oracles if they were not fulfilled, and *as mere wishes* if they were) we have to say this in conclusion, that we hope we may have no cause to regret his absence.

Slightly more than a half year after Wright had published this appreciation of the man the legislative council passed resolutions⁹² to the effect that its mem-

⁹² 1835 *Journal of Legislative Council*, p. 49.

bers realizing DuVal's "long and faithful services, his integrity of purpose, and his devotion to the interest and welfare of the Territory" hoped that he might "return and spend the evening of his days in the land so long benefited by his faithful services, and embellished by his hospitality". This cordial invitation probably influenced him to return to the land of which he had so long been chief executive. Before he left Kentucky at least two of his sons, Burr and John C., left home to aid the Texans in their struggle for independence.⁹³ He himself was in Florida by April 1, 1836, where he was destined to reside for the next thirteen years. Characteristically enough the earliest report of his activities in this period of his life which has survived is an account of a public dinner given in his honor in Marianna by the citizens of Jackson County.⁹⁴ They gave him a letter expressing their satisfaction that he was again to be a citizen of Florida, to which he replied felicitously. Apparently he was at his best from a social point of view at this meeting, for the report states, "The honored guest was in fine spirits and sang 'A man's a man for a' that' and 'My ain boy Jamie' with a pathos and tenderness that none but an honest man, with a heart in the right place could imitate."

For more than two years after this reception little is recorded about his activities. We know that he suffered a severe personal loss in the death of his son, Burr, who was killed on March 27, 1836, in Texas, one of the victims of the infamous Goliad massacre.⁹⁵

In 1838 many Floridians believed, as DuVal had foretold in 1828, that the territory was ready to assume the duties and responsibilities of statehood.

⁹³ J. C. Duval, *The story of an Escape from the Massacre of Goliad* (Houston, n.d.) p. 2, 9.

⁹⁴ *Apalachicola Gazette*, April 13, 1836.

⁹⁵ J. C. Duval, op. cit., pp. 2, 3.

Consequently a call was issued for a convention which would draft a state constitution. The voters of Calhoun County in which he resided chose him as one of their two delegates. The convention assembled in the new "boom" town of St. Joseph, the county seat of Calhoun County, which was destined to become for both historians and layman of the present day a place of fascinating interest due to its historical associations and its tragic fate. At this gathering of lawmakers which lasted from December 3, 1838, to January 11, 1839, DuVal played a prominent part.⁹⁶ He received strong support for the presidency of the convention but was defeated by Robert Raymond Reid of St. Augustine by a vote of 27 to 26. This defeat was accomplished apparently by the union of a few of his old irreconcilable opponents and the large number who favored a chairman from East Florida. Since the people of that section were not enthusiastic about the immediate formation of a state it was hoped that the selection of one of their delegates as presiding officer might win their support.⁹⁷ In justice to Reid it must be said that he was a strong, able, and popular man who presided over the deliberations to the satisfaction of all. DuVal was made chairman of the committee on the executive department⁹⁸ - a place to which he was entitled by his long services as governor.

He took a very active part in the debates. His best speech which has been preserved was delivered when the convention was discussing the motion to insert into the Bill of Rights an article declaring the law supreme over all contracts and corporations. This proposition was vigorously and successfully opposed

⁹⁶ The chief sources of our knowledge of the convention are the *Journal* of the proceedings, published in St. Joseph in 1839, and in the contemporary newspapers.

⁹⁷ See Leigh Read's nomination speech in the *St. Joseph Times*, December 5, 1838.

⁹⁸ *Journal*, p. 12.

by DuVal and others.⁹⁹ One other speech should be noted here because it shows his power of sarcasm. During the entire session James D. Westcott Jr. and he disagreed on practically every debatable question. At the very beginning the former declared his preference for Reid as presiding officer in words which referred to DuVal with thinly veiled contempt.¹⁰⁰ The animosity was so apparent the conclusion is unavoidable that the hostility was deep seated and of long standing, dating probably from the time when Westcott¹⁰¹ was acting governor in 1832 during the absence of DuVal. When Westcott urged that the residence qualification of the governor should be three years instead of five as recommended by the report of the executive committee and when he declared that although the chairman of the committee had had no residence in the territory at the time of his first appointment as governor "he was thought to be at least well acquainted with the interests of the Territory, and fully competent to foster and protect the same," then DuVal burst out. After completely demolishing the other's weak arguments he delivered a classic of sarcasm. To show his power two short passages will be quoted.¹⁰²

No member of this house admires more than myself, a genius so rare, - a wisdom so profound, and a devotion, and love of country so sincere as is constantly manifested by that generous and candid member.

They [the people of Florida] have secured in their service at least one, whose mind is so clear, various and comprehensive, as to grasp at once the machinery of governmental, even to its smallest details; a mind so adorned, so improved by learning and experience, so imbued with refined and delicate modesty, yet so beautifully balanced, by principles of such rare

⁹⁹ *Floridian*, January 5, 1839.

¹⁰⁰ *St. Joseph Times*, December 5, 1838.

¹⁰¹ Westcott later became one of the first U. S. senators from Florida.

¹⁰² *St. Joseph Times*, January 5, 1839.

moral and political excellence, that make him to us what the pillar of fire was to the Israelites of old, a burning light to lead us through this night of ignorance, to the temple of virtue, wisdom and liberty.

This man who could almost make an opponent shrivel up by his sarcasm was on other occasions willing to forget his own ambition and to support his rivals when the welfare of the territory was concerned. This is well illustrated by another episode which occurred during the deliberations of the delegates. After Reid had been elected president of the convention by a majority of one it was learned that the delegate from Hillsborough whose proxy had voted for Reid had not been elected as a representative from that county. Since this left the vote between him and DuVal a tie, he resigned. Then DuVal, expressing his appreciation of the gentlemanly course adopted by his opponent, nominated him again and added that he hoped he would be unanimously elected so that "no partisan, selfish or ambitious views" would "disturb the harmony" of the deliberations of the convention.¹⁰³ The delegates immediately followed this advice by viva voce vote.

His participation in this first Florida constitutional convention was probably a work only second in importance to his handling of the Indian problem during the preceding decade. The document thus made by DuVal and his colleagues was adopted by the people by a very close vote and, six years later, in 1845, became the first constitution of the state of Florida.

When the legislative council was made bi-cameral in 1839 he was elected a member of the senate from Calhoun County-a position he held for about three years. During this time he was very active. In the sessions of 1839 and 1840 he was chairman of the

¹⁰³ *Floridian*, December 29, 1838, as reprinted from the *St. Joseph Times*, Dec. 15, 1838.

judiciary committee,¹⁰⁴ undoubtedly a congenial position since he had always evinced a strong interest in law and legal procedure. In 1841 he was unanimously elected president of the body.¹⁰⁵ This honor had also been conferred upon him in 1839 but after having been conducted to the chair he thanked his associates for the honor, resigned and nominated another man, who was then unanimously elected. DuVal resigned from the senate in 1841 for some reason not certain.¹⁰⁶ He may have felt that another position, recently obtained, would demand too much of his time. Again, a great family bereavement may have been the cause of his resignation.

During the summer of 1841 he went to Washington again. It is probable that he was interested in obtaining the office of law agent for the settlement of private land claims in Florida. If so, he was not disappointed for President Tyler appointed him on November 4, 1841.¹⁰⁷ Although this position was soon abolished¹⁰⁸ he may have felt that the duties connected with it would not permit him, to serve as senator.

While in Washington he suffered the greatest sorrow of his life. His wife had gone to visit her daughter at St. Joseph. Shortly after her arrival that greatest curse of tropical and sub-tropical America, yellow fever, became epidemic. Although this was not the first time that it had visited Florida since DuVal became connected with the territory,¹⁰⁹ this

¹⁰⁴ *Senate Journal*, 1839 and 1840.

¹⁰⁵ *Senate Journal*, 1841.

¹⁰⁶ *Senate Journal*, 1842. At the opening of this session, the senate approved. of the election of Mr. Berthelot to supply the place of Mr. DuVal, resigned.

¹⁰⁷ *Biographical Directory of the American Congress* (1774-1927), (Washington, 1928). The appointment is also noted in the *National Intelligencer*, Nov. 12, 1841.

¹⁰⁸ By United States statute, approved May 18, 1842.

¹⁰⁹ A notable outbreak occurred during the first session of the legislative council in 1822, when the body fled from Pensacola and completed its work at "Fifteen Mile House".

outbreak was by far the severest recorded. Mrs. DuVal was one of the first victims of the disease, succumbing on July 14, 1841. Her importance in the social life of the territory and, by implication, her great help to her husband have been mentioned before.¹¹⁰

The fifty-nine year old man, apparently without a home life and without a regular position, removed to St. Augustine in May 1843.¹¹¹ During his residence here most of his time was spent in the practice of law in the superior courts of East Florida and in political activities. Some instances of the latter may be noted. In 1844 he was one of a committee of three who were appointed at a mass meeting to memorialize Congress to divide the territory and establish two territorial governments.¹¹² On July 16 of the same year he was unanimously elected president of the East Florida democratic convention held at Palatka to nominate candidates for the senate.¹¹³ On December 3 at a barbecue given to David Levy, the last territorial delegate to Congress, he proposed the toast, "The Democracy of the United States-Ever united and ever triumphant when their principles or country are in danger."¹¹⁴

When Florida attained statehood in 1845 DuVal must have felt that he was seeing the fruition of his labors of the preceding twenty-three years. No man had done more than he, probably none had done as much, to prepare the territory for its new duties. He was soon chosen by Moseley, the first governor of the state, to represent Florida in a conference with commissioners from Georgia and Alabama for the purpose of settling the boundary dispute. This duty, the

¹¹⁰ A long obituary notice is found in the *Pensacola Gazette*, August 28, 1841.

¹¹¹ *Florida Herald* (of St. Augustine), May 8, 1843.

¹¹² *ibid.*, April 2, 1844.

¹¹³ *ibid.*, July 16, 1844.

¹¹⁴ *ibid.*, December 3, 1844.

last important one in which he officially represented Florida, was not brought to a successful conclusion at this time-not indeed until fully twenty years later.¹¹⁵

In 1848 he took his last plunge into Floridian politics. The Democrats nominated him as their candidate for the national House of Representatives. It would have been fitting to have closed his public career as a member of the same body in which he started it thirty-six years earlier. The voters, however, denied him that satisfaction, preferring the Whig incumbent, Cabell. There were, as always, several reasons for the result. The charge was advanced against him that he was a light-weight, made famous chiefly by Washington Irving's story of Ralph Ringwood, and that much of this story had its origin with Irving, not with DuVal.¹¹⁶ As the campaign progressed he was declared "only fit to amuse a convivial party in a bar room".¹¹⁷ He was accused of not being consistent-now opposing the banks, but formerly supporting the proposal for a United States bank when he was a member of Congress.¹¹⁸ This, of course, ignored the fact that many a leader, including Calhoun himself, was in a similar predicament. Probably some voters felt that he was too old to safeguard the interests of the state. Although all these reasons, valid or invalid, may have had some bearing on the outcome of the election the chief cause of the defeat was undoubtedly the fact that Taylor, the Whig presidential candidate, was more popular than Cass, the Democratic nominee, and he naturally carried along the party's other candidates. DuVal himself admitted this in a letter to John

¹¹⁵ Brevard, op. cit., II, pp. 5-6.

¹¹⁶ Pensacola Gazette, May 13, 1848, in an article **Ralph Ringwood, or a Scene in the late Democratic State Convention.**

¹¹⁷ **Pensacola Gazette**, August 28, 1848.

¹¹⁸ *ibid.*, September 30, 1848.

C. Calhoun.¹¹⁹ "I sacrificed my election to congress, to sustain him [Cass], from the firm conviction he stood firmly by the constitutional rights of the South. Could I have sustained General Taylor, no man in this state could have defeated my election."

Old, sick,¹²⁰ alone, almost without funds,¹²¹ and very probably saddened by his defeat he determined to join his sons in Texas. Some time after March 23, 1849, the date of the last letter¹²² extant which he wrote from Florida, he moved to Austin, Texas. Here he resided the remainder of his life.¹²³ Whatever else he did, we may be sure that he retained his interest in public affairs and his admiration for his native Virginia. Since the year of his removal to Texas was such a critical one in the history of the developing sectionalism which was soon to plunge the nation into fratricidal war DuVal's attention was naturally centered on national events. He had never overlooked the importance of national affairs even when most deeply immersed in the problems of Florida. Thus, in his message to the council in 1833 he refers to the nullification movement in South Carolina and hopes that the "terrible catastrophe of disunion" may be averted

¹¹⁹ *Correspondence of John C. Calhoun*; edited by J. Franklin Jameson, p. 1192. (*In Annual Report of the American Historical Association*, 1899, V. II.). The letter is dated February 13, 1849.

¹²⁰ The letter to Calhoun just quoted states that he had just recovered from a sickness.

¹²¹ In a letter to his son, Thomas H. at Austin, Texas, dated January 18, 1849, he declares that lack of sufficient funds prevents him from coming to Texas. This letter is in the possession of Judge DuVal West, to whom I am indebted for the information. It is to be noted that all of DuVal's last letters from Florida were written in Tallahassee. This leaves little doubt that he had removed from St. Augustine back to Tallahassee.

¹²² In the possession of Judge DuVal West.

¹²³ There is a family tradition that he returned to reside in Florida within a year or two. This, however, seems to be wrong, since the various obituary notices call him a resident and citizen of Austin, Texas.

by forbearance and concession. 124 Now, in 1849 and 1850, when the feeling of hostility between the sections was much more widespread, he like many others was much more radical. For instance, in his letter to Calhoun, quoted above, he clearly shows his more advanced attitude and also his loyalty to Virginia.

I would do much to preserve the union but cannot submit to the degradation and insult, and the violation of Southern rights, to preserve a disgraceful confederacy. The time has passed for conciliation, this has too long been the mistaken policy of the South.

For one I am ready to meet the worse that can now occur. My native State Virginia has stood forward nobly and under her lead the South will rally in spite of the traitors that have stolen into her confidence and now like scorpions are stinging her bosom. Virginia has an immense store of arms and she will distribute them to sustain the South. When the time shall come (and I fear it is near) I will return to my native state, and leave nothing undone to procure 1200 stand of arms for a corps that I will raise and command in this State, and hold ready to march to any point where their services may be required.

The sixty-five year old man exhibited the same warlike spirit in a letter from Austin, Texas, dated August 13, 1850, to Robert M. T. Hunter, who represented Virginia in the United States Senate.¹²⁵

When a people know they are rightfully protecting their own dignity and honor and have determined to do it at every hazard it is pretty certain they will effect their object. The first hostile gun that is fired in this contest dissolves the union

Virginia will have to head the Southern confederacy. She has arms for herself and two other Southern states, and if the union is broken, we will save the North all further trouble with California and New Mexico, for we will take them to our exclusive use.

¹²⁴ 1833 *Journal*, p. 6.

¹²⁵ *Correspondence of Robert M. T. Hunter*, edited by Charles H. Ambler, p. 115. (*In Annual Report of the American Historical Association, 1916, v. II.*)

DuVal was not destined to see the struggle which he believed was imminent. In the winter of 1854 he was again in Washington on "official business". There he suffered a stroke from the results of which he died a month later, on March 19, 1854.¹²⁶ He was buried in the congressional cemetery where his remains still rest.¹²⁷ Maybe nothing would form a more fitting conclusion to this short biography of William Pope DuVal than a brief quotation from the resolutions passed by the bar of Middle Florida.¹²⁸ The thoughts expressed might well be the theme of his epitaph.

If the possession, in an eminent degree, of many of those characteristics best calculated to inspire admiration and regard—a warm heart, a liberal hand, "open as day to melting charity", a courteous and affable demeanor, a hospitality as free as sunlight, a boundless and inimitable humor, a clear, well stored and ready mind, and a copious and eloquent speech,—if all these united to commend the deceased to our personal respect and friendship, it may as truly be said that he held even stronger claims upon the citizens of Florida on the score of substantial public service.

So there passed away a pioneer, a true Virginian, a loyal supporter of the South, a Floridian who probably aided more in the development of the state than any other man.

JAMES OWEN KNAUSS

¹²⁶ *The Floridian and Journal*, (Tallahassee), April 1, 1854, and in other contemporary papers. Dr. James A. Robertson, of Takoma Park, Maryland, has used his valuable time in searching for and transcribing the obituary notices of DuVal found in the Library of Congress.

¹²⁷ From letter dated July 8, 1928, from L. B. Taylor, the superintendent of the cemetery.

¹²⁸ *The Floridian and Journal*. April 1, 1854. The resolutions were passed on Mar. 25. The resolutions of the Masonic Lodge of Tallahassee are also found in this number in which the Masons record "a testimonial of their high respect for his memory and elevated character as a man and a Mason."